

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tokimori TOMITA et al.

Group Art Unit: 2411

Serial No.: 08/187,543

Examiner: J. Thomas

Filed: January 28, 1994

For: SERVICE POINT MANAGEMENT SYSTEM FOR USE IN SALES
PROMOTION SERVICES

PETITION AND FEE FOR EXTENSION OF TIME

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Pursuant to Rule 136(a), the Examiner, in his Action of November 29, 1996, set a three-month shortened statutory period for response to expire on February 28, 1997 (February 29 not occurring in 1997). Since an extension of time for two months has been obtained, the response date is April 29, 1997.

Also, pursuant to Rule 136(a), Applicant hereby petitions the Commissioner for an extension of time into the third month after the response due date, i.e., until May 29, 1997, for responding to the Office Action.

A check for the appropriate fee set by 37 CFR §1.17 of \$540.00 is attached hereto for this Petition.

The Commissioner is authorized to charge any Petition for Extension of Time fee for underpayment or credit any overpayment to Deposit Account No. 19-3935. A duplicate copy of this sheet is attached.

07/25/1997 BALEXAND 00000022 08187543
01 FC:117 540.00 OP

Respectfully submitted,

STAAS & HALSEY

By:



Gene M. Garner, II
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Date: May 29, 1997

2838-101
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REQUEST FORM FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.62

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
	CLASS	SUBCLASS		
122.1046-C			J. Thomas	2411

Address to: Assistant Commissioner for Patents
Box FWC
Washington, D.C. 20231

This is a Request for filing a [] continuation-in-part, [x] continuation, [] divisional application under 37 CFR 1.62 of prior application Number 08/187,543, filed on January 28, 1994 entitled SERVICE POINT MANAGEMENT SYSTEM FOR USE IN SALES PROMOTION SERVICES by the following named inventor(s):

FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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[x] Additional inventors are being named on a separate sheet attached hereto.

The above identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned under 37 CFR 1.62(g) as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (No new specification is required.) (note: 37 CFR 1.60 may be used for applications where the prior application is not to be abandoned.)

- [X] Enter the unentered amendment previously filed on April 29, 1997 under 37 CFR 1.116 in the prior application.
- [X] A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS	64 - 20 =	44	X \$ 22.00 =	\$ 968.00
	INDEPENDENT CLAIMS	10 - 3 =	7	X \$ 80.00 =	560.00
	MULTIPLE DEPENDENT CLAIMS (if applicable)			+ \$260.00 =	0.00
				BASIC FEE	+ 770.00
				Total of above Calculations =	2,298.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				
				TOTAL =	\$ 2,298.00

- [] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27
[] is enclosed.
[] was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).

(REQUEST FORM FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.62, Page 2)

4. Authorization is hereby given to charge to Deposit Account No. 19-3935 any fees under 37 CFR 1.16 and 1.17 which may be required in the immediate parent application for any petition for extension of time or as may otherwise be required for maintaining the pendency of same, so that a filing date for the subject Rule 62 application can be granted, and to consider this a Petition for Extension of Time for that purpose. Authorization is also given to charge to Deposit Account No. 19-3935 any fees under 37 CFR 1.16 and 1.17 required for filing the subject Rule 62 application, or to credit thereto any overpayment.

5. A check in the amount of \$ 2,298.00 is enclosed.

6. A new oath or declaration in compliance with 37 CFR 1.63 is included since this application is a continuation-in-part which discloses and claims additional matter.

7. Amend the specification by inserting before the first line the sentence:

This application is a [] continuation-in-part, continuation, [] division, of application number 08/187,543, filed January 28, 1994, now abandoned.

8. Priority of foreign application number 5-82905, filed on April 9, 1993 in (country) Japan is claimed under 35 U.S.C. 119.

9. The prior application is assigned of record to FUJITSU LIMITED.

10. The power of attorney in the prior application is to: (name & address)
James D. Halsey, Jr., STAAS & HALSEY, 700 Eleventh Street, N.W., Suite 500, Washington, D.C. 20001.

11. Also enclosed: Petition for Extension of Time into the third month and fee

Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record)

Gene M. Garner, II
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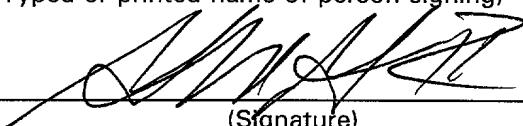
It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

May 29, 1997

Date

Gene M. Garner, II, Registration No. 34,172

(Typed or printed name of person signing)



(Signature)

Inventor(s)
 Assignee of complete interest
 Attorney or agent of record
 Filed under 37 CFR 1.34(a)

REQUEST FORM FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.62

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
122.1046-C	CLASS	SUBCLASS	J. Thomas	2411

ADDITIONAL INVENTORS

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FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS - CITY - STATE & ZIP CODE/COUNTRY		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tokimori TOMITA et al.

Prior Application
Group Art Unit: 2411

Prior Application
Serial No.: 08/187,543

Prior Application
Examiner: J. Thomas

Filed: May 29, 1997

For: SERVICE POINT MANAGEMENT SYSTEM FOR USE IN SALES
PROMOTION SERVICES

PRELIMINARY AMENDMENT

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This is a continuation application of prior application U.S. Serial No. 08/187,543. A File Wrapper Continuation (FWC) Application is filed concurrently herewith, along with a Petition for an Extension of Time into the third month past the due date for responding to the Final Office Action mailed November 29, 1996 in the prior application, thereby extending the due date to May 29, 1997. Therefore, the FWC is timely filed by May 29, 1997.

If any further fees are required in connection with the filing of this Preliminary Amendment, please charge same to our Deposit Account No. 19-3935.

The following remarks are respectfully submitted.

Reconsideration of the claims is respectfully requested.

IN THE CLAIMS:

Please amend the claims as follows:

1. (AMENDED) A point management system employing a computer for managing points issued to each customer who receives service according to the issued points, comprising:

point issue means for issuing the points to the customer according to transactions performed by the customer;

point accumulation means for calculating and accumulating the issued points for more than two [events] transactions;

point notification means for notifying the customer of the point information comprising the issued points; and

customer identification means for identifying the customer according to the customer identification,

wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two [events] transactions.

54. (AMENDED) A point management system employing a computer for managing points issues to each customer who receives service according to issued points, comprising:

point issue means for issuing the points to the customer according to transactions performed by the customer;

point accumulating means for calculating and accumulating the issued points for more than two [events] transactions;

point storing means for storing point information comprising the issued points for each customer identification;

point notification means for notifying the customer of the point information; and

customer identification means for identifying the customer according the customer identification,

wherein the point notification means notifies the customer of the point information before the customer carries out transactions and wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two [events] transactions.

56. (AMENDED) A point management system comprising a computer and managing points issued to each customer, each

customer receiving service according to the issued points, said point management system comprising:

means for accumulating points issued to each, respective customer for more than two [events] transactions;

rate management means for changing a point calculation rate according to each of the more than two [events] transactions; and

means for notifying each customer of the points issued to each, respective customer before each, respective customer carries out a transaction.

57. (AMENDED) A point management system comprising a computer and managing points issued to each customer, each customer receiving service according to the issued points, said computer comprising a customer terminal and said point management system comprising:

means for accumulating points issued to each, respective customer for more than two [events] transactions;

rate management means for changing a point calculation rate according to each of the more than two [events] transactions; and

means for notifying on the customer terminal each, respective customer of the points issued to each, respective customer as primary data as soon as the customer terminal is turned ON.

58. (AMENDED) A point management system comprising a computer and managing points issued to each customer, each customer receiving service according to the issued points, said computer comprising a store terminal and said point management system comprising:

means for accumulating points issued to each, respective customer for more than two [events] transactions;

rate management means for changing a point calculation rate according to each of the more than two [events] transactions; and means for notifying by the customer terminal each, respective customer of the points issued to each, respective customer as primary data through the store terminal, and prior to transactions performed by the customer.

59. (AMENDED) A point management system comprising a computer and managing points issued to each customer, each customer receiving service according to the issued points, said computer comprising and said point management system comprising:

means for accumulating points issued to each, respective customer for more than two [events] transactions;

rate management means for changing a point calculation rate according to each of the more than two [events] transactions; and

means for notifying each, respective customer of the points issued to each, respective customer by one of images, voice, and both, and prior to transactions performed by the customer.

60. (AMENDED) A point management method of a computer and managing points issued to each customer, each customer receiving service according to the issued points, said point management method comprising the steps of:

accumulating, by the computer, points issued to each, respective customer for more than two [events] transactions;

changing a point calculation rate according to each of the more than two [events] transactions; and

notifying, by the computer, each customer of the points issued to each, respective customer before each, respective customer carries out a transaction.

61. (AMENDED) A point management method of a computer and managing points issued to each customer, each customer receiving service according to the issued points, said computer comprising a customer terminal and said point management method comprising the steps of:

accumulating, by the computer, points issued to each, respective customer for more than two [events] transactions;

changing a point calculation rate according to each of the more than two [events] transactions; and

notifying by the customer terminal each, respective customer of the points issued to each, respective customer as primary data as soon as the customer terminal is turned ON.

62. (AMENDED) A point management method of a computer and managing points issued to each customer, each customer receiving service according to the issued points, said computer comprising a store terminal and said point management method comprising the steps of:

accumulating, by the computer, points issued to each, respective customer for more than two [events] transactions;

changing a point calculation rate according to each of the more than two [events] transactions; and

notifying by the customer terminal each, respective customer of the points issued to each, respective customer as primary data through the store terminal, and prior to transactions performed by the customer.

63. (AMENDED) A point management method of a computer and managing points issued to each customer, each customer receiving service according to the issued points, said point management method comprising the steps of:

accumulating, by the computer, points issued to each, respective customer for more than two [events] transactions;

changing a point calculation rate according to each of the more than two [events] transactions; and

notifying, by the computer, each, respective customer of the points issued to each, respective customer by one of images, voice, and both, and prior to transactions performed by the customer.

REMARKS

In the Advisory Action mailed May 15, 1997 in the prior application, the Examiner asserted that limitations added in the Amendment filed April 29, 1997 in the prior application raise issues of new matter because the specification was not referred to for support.

Claims 1, 54, and 56-63 are amended for clarification.

Support for the limitations added in the above-mentioned Amendment and amended herein above is found in the specification as originally filed, as follows:

- (1) "calculating and accumulating the issued points for more than two transactions"

The specification, page 9, at lines 12-18, discloses the point issue means (point issuer) 9 and the point calculation rate management means (point calculation rate manager) 10 shown in Fig. 1 of the present application;

- (2) "changing a point calculation rate according to each of the more than two transactions"

Fig. 8(A) of the present application shows the calculation rate in the purchase condition table 14. Further, Fig. 8(B) of the present application shows the point accumulation means (point accumulator) 7, which receives the calculated points produced by the "point

rate" times the "calculation base", and the same customer receives the different "point rate value 1 - n" according to the conditions of each of the transactions. Figs. 9 - 20 of the present application show the variation of the rate according to its conditions. As shown in Fig. 21(A) of the present application, the point accumulating means (point accumulator) 7 has one cumulative point storage for each customer ID.

In the Office Action mailed November 29, 1996 in the prior application, claims 1-3, 11, 13-18, 21, 22, 31, 40-42, and 45-63 were rejected under 35 U.S.C. §103 as being unpatentable over Girouard et al., U.S. Patent No. 4,892,346, and claims 43, 44, and 64 were rejected under 35 U.S.C. §103 as being unpatentable over Girouard et al in view of Vela et al., U.S. Patent No. 4,882,724. The foregoing rejections are traversed.

The present invention is a point management system which manages service points issued to customers through customer or store terminals according to customer's transactions. The service points are used to provide the customers with sales promotion services. The present invention comprises a service point management system for sales promotion services in retail sales, employing a computer for managing points issued to each customer who receives service according to the points. The service point management system of the present invention comprises a point issuer issuing points to the customer according to transactions performed by the customer, a point accumulator calculating and accumulating the issued points, a point notifier notifying the customer of point information, and a customer identifier identifying the customer according to customer identification data entered through a customer or store terminal. In the present invention, a "rate management means" allows points from different types of service transactions to be counted in one accumulator.

Girouard discloses a computer system and method for automating advertising and promotional campaigns in a mall. The Girouard apparatus includes a magnetic strip card reader, a bar code reader, a monitor, a keyboard, and a touchscreen input device. In the Girouard apparatus, advertisements are displayed on the monitor, which depends upon customers being attracted to the monitor.

Girouard further discloses a "frequent purchaser routine", from which a "view balance routine" can be selected. The results of the execution of the foregoing routines are vague from the disclosure of Girouard.

As shown in Fig. 7 of Girouard, the Promotion Network Program first executes set up routines (shown in Figs. 8, and 10-15), which initialize the system settings, in step 66. Then, the Main Menu routine is executed, which is shown in step 70 and described in detail in Fig. 19, to accept shoppers' requests. Next, in the Girouard apparatus, the Increment Corresponding Counter (step 73) is executed, which counts the number of time that the selection of services in step 72 is YES, meaning that a selection is made by the customer or shopper. The Execute Selected Programs step 74 leads into executing programs in boxes 76 and 80, and into determining which the program timed out in step 78. If not, control is returned to the Main Menu Routine in step 70.

As shown in Fig. 58 of Girouard, the counter 1170 accumulates the number of services requested at visits for each customer ID-1168. The Count Set Up Routine in Fig. 62 sets up an accumulated number for each customer. Fig. 59 of Girouard shows a frequent shopper file which appears to track visit information in detail for frequent shoppers, with the "Number of Visits" accumulated in counter 1180.

In Girouard, therefore, the above-mentioned counter 1170 and counter 1180 accumulate the original form of service points, and a coupon is calculated and printed out upon shopper request.

Also in Girouard, the coupons service (Fig. 7, step 76, and Figs. 31A and 31B) is a type of selected program by the Main Menu Routines shown in Fig. 7, step 70. The coupons are accumulated as shown in steps 692-720 shown in Figs. 31A and 31B of Girouard, and are printed out (4 coupon sheets are printed out as one sheet) for each visit stored in area 1076 of the coupon file shown in Fig. 49. Girouard describes shopper coupon service in Figs. 63A and 63B based only on the "Increment Number of Visits" 1268 and the "Prize Level" 1272, in which coupons are printed onto a sheet of paper in 1290.

Girouard, though, does not disclose or suggest combining two accumulators of service points into one, as in the present invention. Further, in Girouard, two accumulators for two events each counts the service points for its own event.

On the other hand, and in complete contrast to Girouard, the present invention has one accumulator of service points, which are calculated automatically from many pieces of serviceable, original data when the service transactions have occurred. Also in the present invention, and in contrast to Girouard, any service can be converted into service points corresponding to its rate.

Further, the present invention patentably distinguishes over Girouard in the coupon generating process, in its treated media (whether the coupon is printed out on a sheet of paper or not), and its wide range of applications of service.

Further, a card-oriented system, such as the Girouard apparatus, is not able to give service points from one person to another, card-to-card, or to a group or public organization

through shop independent service or exchange by rate between shops, as in the present invention.

Also in contrast to the Girouard apparatus, the present invention does not require the use of a bar code reader (as shown in each of Figures 1-5 of Girouard).

In the Action, the Examiner relied on In re Porter, 20 USPQ 298 in asserting "it has been held that the omission of an element with the subsequent loss of its function is obvious". The Examiner's application of In re Porter to the claims of the present application is traversed. The Court of Customs and Patent Appeals (CCPA) asserted "...if the omission of an element is attended by a corresponding omission of the functions performed by that element, there is no invention if the elements retained perform the same functions as before" (emphasis added), In re Porter, 20 USPQ at 301. Accordingly, the elements retained must collectively perform the same functions as the elements omitted, to rely upon In re Porter as above. However, the limitations removed from claim 1 in the Amendment filed August 28, 1996 (which Amendment was filed by Certificate of Mailing dated August 26, 1996) would limit the present invention to customer identification [data] entered through a customer or store terminal. For example, after the August 28 Amendment, the "customer identification" could be entered through a customer or store terminal (as recited in claim 1 before the August 28 Amendment was filed) or through another mode which the amended recitation of claim 1 does not preclude.

Further, the Examiner's Official Notice of the equivalence of display devices is traversed. Display devices may not be equivalent in that some types provide for display of user-entered data, while others do not.

Vela discloses a shoppers communication system and processes relating to the shoppers communication system. In the Vela apparatus, a communication system for a marketing area locates a light signal generating system and a master computer at a control center and delivers message-bearing light signals over optical channels to predetermined subdivisions of the marketing area. Vela discloses a relay unit 27, as a visual display, on a shopping cart 28. However, the visual display of Vela does not appear to provide the ability to input customer identification or to display any information particular to a specific customer as in the present invention. Further, the Vela apparatus displays only general information (refer to Figures 12-18 of Vela) which differs depending upon which "zone" that the relay unit 27 is within in a store (refer to Vela, col. 36, at line 63 through col. 40 at line 49).

The combination, then, of the disclosures of Girouard and Vela is a computer system and method for automating advertising and promotional campaigns in a mall, in which service points are separately accumulated for each shopper, and which displays to the shopper general information depending upon which zone of a store the shopper is shopping in, without input from the shopper.

Claims 2, 3, and 11 are amended to depend from claim 1.

Independent claims 1, 54, and 56-63 are amended to recite the above-mentioned patentably distinguishing features of the present invention over the foregoing references relied upon. In particular, each of the foregoing independent claims are amended to recite (using the recitation of claim 1 as an example) the following limitations:

- (1) "point accumulation means for calculating and accumulating the issued points for more than two transactions"; and

(2) "wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two transactions".

Also by way of example, claim 1 of the present application recites "A point management system employing a computer for managing points issued to each customer who receives service according to the issued points". The point management system recited in claim 1 comprises "point issue means for issuing the points to the customer according to transactions performed by the customer", "point accumulation means for calculating and accumulating the issued points for more than two transactions", "point notification means for notifying the customer of the point information comprising the issued points", and "customer identification means for identifying the customer according to the customer identification, wherein the point issue means comprises rate management means for changing a point calculation rate according to each of the more than two transactions".

In addition, claim 54 of the present application recites the further limitation of "wherein the point notification means notifies the customer of the point information before the customer carries out transactions".

Claim 56 of the present application recites "A point management system comprising a computer and managing points issued to each customer, each customer receiving service according to the issued points" comprising "means for accumulating points issued to each, respective customer for more than two transactions", "rate management means for changing a point calculation rate according to each of the more than two transactions", and "means for notifying each customer of the

points issued to each, respective customer before each, respective customer carries out a transaction".

Each of independent apparatus claims 57-59 and independent method claims 60-63 recite similar limitations as claim 56.

The benefit of the foregoing "rate management means" of the present invention (recited in independent claims 1, 54, and 56-63) is that the present invention allows points from different types of service transactions to be counted into one accumulator of service points, in contrast to the foregoing references relied upon.

Claims 2, 3, 11, 13-18, 21, 22, 31, 40-53, 55, and 64 depend, either directly or indirectly, from one of the above-mentioned independent claims, and recite further patentably distinguishing features of their own. For example, claim 2/1 recites "wherein the point notification means notifies the customer of the point information as primary data through the customer terminal as soon as the customer terminal is turned ON". The benefit of the features recited in claim 2/1 is that the customer does not have to wait to carry out a transaction before being notified of the customer's point information.

Also by way of example, claim 13/11 recites that the "point notification means" displays "a graph of cumulative points and target points". The benefit of the features recited in claim 13/11 is that the customer is shown graphically the points needed to reach the customer's target.

Withdrawal of the rejections of claims 1-3, 11, 13-18, 21, 22, 31, 40-42, and 45-63 under 35 U.S.C. §103 as being unpatentable over Girouard et al., U.S. Patent No. 4,892,346, and claims 43, 44, and 64 under 35 U.S.C. §103 as being unpatentable over Girouard et al in view of Vela et al., U.S. Patent No. 4,882,724 is respectfully requested.

Continuation of Serial No. 08/187,543 Docket No. 122.1046-C/GMG
Art Unit 2411

CONCLUSION

The foregoing rejections having been overcome, the application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

STAAS & HALSEY

By: 

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Registration No. 34,172

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Date: May 29, 1997